

DATED

17 February

2015

BETWEEN

TOLEEN PTY LIMITED
(ACN 002 647 823)

- of the One Part

AND

THOMAS JAMES DILLON DAGWORTHY
& COLLEEN MARY DAGWORTHY

- of the Other Part

**DEED OF RETIREMENT AND
APPOINTMENT OF TRUSTEE OF THE
T J DAGWORTHY SUPERANNUATION FUND**

DAVID M CARSON
LAWYER
LEVEL 5
50 PARK STREET
SYDNEY NSW 2000
Tel: 9261 0334
Fax: 9261 0897
DX 1027 SYDNEY
email: David@davidmcarson.com.au

[Handwritten signature]
[Handwritten initials]

THIS DEED is made the 17th day of February 2015.

BETWEEN:

TOLEEN PTY LIMITED (ACN 002 647 823) of C/- B P Woodward & Associates, Suite 501, 83 York Street, Sydney in the State of New South Wales (hereinafter called "the Trustee") of the One Part

AND

THOMAS JAMES DILLON DAGWORTHY and COLLEEN MARY DAGWORTHY both of 5 John Dykes Avenue, Vaucluse 2030 in the State of New South Wales (hereinafter called "the Members") of the Other Part.

NEW SOUTH WALES DUTY
10-06-2015 0008130458-002
SECTION 18(2)
DUTY \$ *****10.00

BACKGROUND:

- A. By a Deed dated 15th November 1994 (referred to as the "Original Trust Deed") a Superannuation Fund known by the name of The T J Dagworthy Superannuation Fund (referred to as the "Fund") was established.
- B. The Deed has been subsequently varied, the latest occasion being a Deed of Amendment Trust Deed dated 21st February 2012.
- C. The Trustee is the current Trustee of the Fund.
- D. The Trustee is desirous of resigning as Trustee of the Fund and has entered into this Deed to record its resignation as Trustee of the Fund.
- E. The Members are the only members of the Fund.
- F. As hereinafter appears, the Members accept the resignation of the Trustee as Trustee of the Fund and in its place and stead, propose to appoint themselves jointly as Trustee of the Fund.



NOW THIS DEED WITNESSETH AS FOLLOWS:

1. The Trustee gives notice of its resignation as Trustee of the Fund effective as at the date of this Deed and the Members as the sole Members of the Fund accept the resignation of the Trustee as Trustee of the Fund.
2. In accepting the resignation of the Trustee as Trustee of the Fund, the Members hereby appoint themselves jointly as Trustee of the Fund effective forthwith.
3. In giving effect to the change of Trustee of the Fund, the Trustee and the Members shall otherwise sign all documents and do all things necessary to vest in the Members as Trustee of the Fund all of the assets of the Fund comprised in the Schedule hereto.
4. As and from the date of this Deed, the Members acknowledge their obligation to act as Trustee of the Fund in accordance with the Deed of Variation of Superannuation Trust Deed made 1st February 2011 and the subsequent Deed of Amendment made 21st February 2012 and shall indemnify and keep indemnified the Trustee for and in respect of all action taken by the Members as and from this date in their exercise of their function as Trustee of the Fund.
5. In all other respects, the Members confirm the settlements and agreements contained in the Deed of Variation made 1st February 2011 and the Deed of Amendment made 21st February 2012.

SCHEDULE HEREINBEFORE REFERRED TO

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THE TJ DAGWORTHY SUPER FUND
STATEMENT OF FINANCIAL POSITION AS AT 17 FEBRUARY 2015

\$

Investments

Real Estate Properties (Australian)	
1218 Anzac Parade Malabar - CP/SP78588 - Lots 1, 2 & 3	2,000,000.00
Unit 4 95 Darling Point Road Darling Point - 4/SP31461	3,157,913.65
Shares in Listed Companies (Australian)	
Australian Pharmaceutical Industries Limited	3,815.88
Telstra Corporation Limited	<u>11,448.00</u>
	<u>5,173,177.53</u>

Other Assets

Cash at Bank	2,090,207.74
Distributions Receivable	989.20
Other Assets	108,770.67
Sundry Debtors	2,624.80
Income Tax Refundable (Note 5)	<u>570.41</u>
	<u>2,203,162.82</u>
Total Assets	7,376,340.35



Less: Liabilities

GST Payable/Refundable	5,571.15
Net Assets Available to Pay Benefits	<u>7,370,769.20</u>

Represented by:

Liability for Accrued Benefits (Notes 2, 3)

Dagworthy, Thomas J (A.P 01/07/2012)	1,816,278.71
Dagworthy, Colleen M	152,457.95
Dagworthy, Thomas J (A.P 01/07/2010)	3,724,616.67
Dagworthy, Colleen M (A.P 01/07/2010)	1,523,960.44
Dagworthy, Thomas J	<u>153,455.43</u>
	<u>7,370,769.20</u>

EXECUTED AS A DEED.


EXECUTED by **TOLEEN PTY**)
LIMITED (ACN 002 647 823))
pursuant to Section 127 of the)
Corporations Act in the)
presence of:)


.....
Director


.....
Director/Secretary

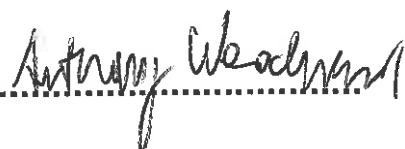
SIGNED SEALED & DELIVERED)
by **THOMAS DAGWORTHY** in)
the presence of:)


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SIGNED SEALED & DELIVERED)
by **COLLEEN DAGWORTHY** in)
the presence of:)


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